

APPEAL NO. 030736
FILED MAY 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 18, 2003. The hearing officer resolved the disputed issue by deciding that the appellant/cross-respondent (claimant) is not entitled to supplemental income benefits (SIBs) for the eighth quarter. The claimant appealed the hearing officer's SIBs determination on legal and sufficiency of the evidence grounds. The respondent/cross-appellant (carrier) filed a conditional cross-appeal that was not timely filed and it will not be considered. The appeal file does not contain a response from the claimant or the carrier.

DECISION

Affirmed.

The claimant's sole argument on appeal contends that the hearing officer incorrectly relied on Texas Workers' Compensation Commission Appeal No. 023244, decided February 12, 2003, in which the Appeals Panel reversed the hearing officer's determination and rendered a new decision that the claimant was not entitled to SIBs for the seventh quarter. The claimant contends that Appeal No. 023244, *supra*, has been appealed to the (District Court) on March 21, 2003, and therefore, the Appeals Panel's decision is not final. Section 410.205(b) provides that during the pendency of an appeal to the district court a benefits decision of the Appeals Panel is binding. See Texas Workers' Compensation Commission Appeal No. 961553, decided September 20, 1996, and cases cited therein. Section 410.207 provides that during judicial review of an Appeals Panel decision on any disputed issue relating to a workers' compensation claim, the Texas Workers' Compensation Commission retains jurisdiction of all other issues related to the claim. Accordingly, we will not disturb the hearing officer's SIBs determination on these grounds.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Veronica Lopez
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge